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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/659,093	09/09/2003	John G. Gilliland	0112300-1682	4315

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EXAMINER	
THOMASSON, MEAGAN J	

ART UNIT	PAPER NUMBER
3714	

NOTIFICATION DATE	DELIVERY MODE
07/24/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PATENTS@BELLBOYD.COM

Office Action Summary	Application No.	Applicant(s)	
	10/659,093	GILLILAND ET AL.	
	Examiner	Art Unit	
	MEAGAN THOMASSON	3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *17 March 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-12,24 and 37-93* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-12,24 and 37-93* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *09 September 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *3/17/08,5/14/08*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

The examiner acknowledges the amendments made to claims 1,2,37,38 and 47-49. Claims 13-23,25-26 have been canceled; claims 52-93 are new.

Information Disclosure Statement

The information disclosure statements filed March 17, 2008 and May 14, 2008, have been considered by the examiner.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 60,69,78,87 and 93 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claims 60,69,78,87 and 93 recite limitations drawn to the steps executed by a processor during play of a bonus game, including "display at least two selectable symbols, receive an input corresponding to a selection of one of the selectable symbols,

operate the bonus game, the bonus game including an interaction between the at least two selectable symbols...", that are not supported by applicant's specification as originally filed. While applicant's specification does disclosing the invention may include a bonus game (Applicant's specification P. 13, line 26 – P. 14, line 32), there is no description of the claimed bonus game steps.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1,3-6,9-11,37,39-42,45-48,52-54,58,59,61-63,67,68,70-72,76,77,79-81,85,86,88 and 92 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dickinson et al. (US 6,287,197 B1) in view of Tiberio (US 5,123,649).

Regarding claims 1,37,47,48,88 Dickinson discloses a gaming device comprising a display device, a primary game operable for one or more plays based upon one or more credits inserted by a player, a plurality of different game display interfaces, i.e. themes, available for a single one of the plays based upon a single one of the wagers in the primary game and operable to be displayed by the display device to represent said primary game to the player, wherein each interface includes a plurality of different

symbols, wherein the symbols in each interface are associated with an identical winning condition in the primary game with respect to corresponding symbols in another one of the interfaces, and wherein a plurality of the corresponding symbols in the interfaces are visually different from one another. Additionally, the device disclosed by Dickinson includes at least one input device (Operator Interface element **22**), at least one processor (controller element **12**) and at least one memory device which stores a plurality of instructions, which when executed by the at least one processor, cause the at least one processor to operate with the display device and the at least one input device (Fig. 1; col. 2, lines 49-67).

Specifically, Dickinson discloses a video game wherein a player may select a theme (col. 6, lines 5-6), each theme having a plurality of symbols that are visually different (Fig. 4) but are associated with an identical winning condition in the game. That is, regardless of which theme is chosen the game is played in the same way (i.e. the symbols of the selected theme are to be matched to one another, if they are matched then a winning condition is obtained regardless of the theme chosen).

Dickinson does not specifically disclose the primary game operable for one or more plays based upon placement of a wager which corresponds to one of a first wager lever and a second wager level which is greater than the first wager level, nor does Dickinson specifically disclose the system receives an input associated with the placed wager, determines whether the placed wager corresponds to one of the first wager level and the second wager level, display the first game display interface if the placed wager corresponds to the first wager level, display the second display interface if the placed

wager corresponds to the second wager level, operate the single play of the game, determine an outcome of the play, and indicate the determined outcome. The primary embodiment of the invention disclosed by Dickinson is a video game wherein "the video game **10** may comprise virtually any type and/or size of video game including, for example, coin operated video games" (col. 2, lines 53-55) which may include slot machine-type casino games wherein a player places a wager in order to initiate said game. Additionally, while Dickinson does not specifically disclose the interface is chosen based upon a wager amount, Dickinson does disclose that the interface, i.e. theme, used in a play of the game may be chosen by multiple methods including randomly chosen by the game controller, based upon the level of the game, or by player selection (col. 6, lines 1-6).

In an analogous gaming device, Tiberio discloses a slot machine wherein a player places a wager corresponding to a first wager level or a second wager level and an aspect of the primary game, namely the pay table used in the game, is adjusted based upon said wager level (col. 2, lines 12-21). Additionally, Tiberio discloses the operating steps of a typical slot machine game including operating a play of the game, determining an outcome and indicating the determined outcome (col. 1, lines 16-30). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teaching of determining an aspect of game play based upon the wager level input by a player, as taught by Tiberio, with the teaching of providing a plurality of different display interfaces having visually different symbols that are associated with an identical winning condition in a game, as taught by Dickinson, as Dickinson discloses

that the video game may be used in a coin-operated gaming machine and further because the interface, i.e. theme, may be chosen by a plurality of different methods. Thus, while not specifically disclosing that an interface, i.e. theme, is chosen by wager level, Dickinson provides a motivation for allowing for various methods of choosing a theme as well as motivation for providing the video game in a coin-operated slot machine device. Further, video games are often incorporated into slot machine wagering type gaming devices, and Dickinson discloses the invention "may be implemented in virtually any video game which is to display multiple images" (col. 5, lines 39-42).

Regarding claims 3,39,50 Tiberio discloses the primary game is a slot game including a plurality of reels, wherein said symbols are display on the reels (Fig. 1).

Regarding claims 4,40,51 Dickinson discloses the gaming device comprising at least two of the interfaces include at least one visually identical symbol in Fig. 4, wherein the gaming device features multiple "Popcorn" themes.

Regarding claims 5,6,41,42 Dickinson discloses each symbol is one of the interface has a corresponding symbol in another one of the interfaces, if the term "corresponding" is interpreted to mean "To be similar or equivalent in character, quantity, origin, structure, or function" (as defined by the American Heritage Dictionary, www. Dictionary.reference.com). That is, Dickinson discloses interfaces the quantity of symbols in the "Blocks" theme corresponds to the quantity of symbols in the "Hands and Feet" theme. In these two themes, the corresponding symbols are provided in a same frequency.

Regarding claims 9,45 Dickinson discloses a plurality of symbols of one of the interfaces correspond to symbols in another one of the interfaces, and wherein the corresponding symbols have different but related indicia (Fig. 4, "Fast Food" and "Fruit" themes contain a plurality of symbols that are related as pertaining to edible objects).

Regarding claim 10,46 Dickinson discloses a plurality of symbols of one of the interfaces correspond to symbols in another one of the interfaces, and wherein the corresponding symbols have different and unrelated indicia (Fig. 4, "Frogs" and "Mouths" themes contain a plurality of symbols that have different and unrelated indicia).

Regarding claim 11, each of the interfaces disclosed by Dickinson includes indicia consistent with a different game theme (Fig. 4).

Regarding claim 52-54,61-63,70-72,79-81 Tiberio discloses a gaming device wherein the winning condition requires that a plurality of the symbols are displayed according to a designated spatial arrangement (i.e. on a win line **26** on slot machine reels **12,14** and **16**; col. 3, lines 9-12). The spatial arrangement specifies a symbol combination which is satisfied by a plurality of symbols of a game display interface.

Regarding claim 58,67,76,85 Dickinson discloses the first display interface includes a first set of the symbols (Fig. 4, "Fish" theme contains 3 images) and the second game display interface includes a second set of the symbols, the second set of symbols including at least one symbol visually different from at least one symbol of the first set (e.g. the "Robots" theme would contain symbols that are visually different from the "Fish" theme).

Regarding claim 59,68,77,86,92 Dickinson discloses the first game display interface is displayed for a first play of the game and the second game display interface is displayed for a second play of the game in that Dickinson teaches the display interface being changeable according to the level (col. 6, lines 4-5) such that a play at level 1 would utilize a interface different from that utilized during the next play at level 2.

Claims 2,12,24,38,49,55-57,64-66,73-75,82-84,89-91 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dickinson (US 6,287,197 B1), Tiberio (US 5,123,649) and further in view of Roffman et al. (US 6,375,568 B1).

Regarding claims 2,24,38,49,55,64,73,89 *Dickinson/Tiberio does not specifically disclose the first game display interface is associated with a first paytable and the second game display interface is associated with a second paytable which is different from the first paytable, nor that at least two of the interfaces are characterized by having payouts with different volatilities, payouts yielded different expected values, payouts with different eligibility requirements, and payouts with different triggering mechanism.* However, Roffman discloses that each game theme, or interface, has a different pay table (col. 8, lines 60-61; Table IB and Table IIB), and further that the paytables have payouts yielding different expected values (as shown in Tables IB and IIB).

Regarding claims 12,56,57,65,66,74,75,90,91 *Dickinson/Tiberio does not specifically disclose each of the interfaces includes indicia consistent with a different game theme wherein each theme is selected from the group consisting of: a movie theme, a television show theme, a music theme, a famous person/group theme, a*

sports theme, a famous historical event theme, and any combination thereof. However, Roffman discloses an analogous gaming device wherein a player may choose the theme of a slot machine game (col. 7, lines 1-18; col. 8, lines 10-18) from a general sports theme. That is, the interfaces a player may choose from include baseball, football, soccer, hockey, etc., which are of a sports theme (col. 7, lines 65-67).

Claims 7,8,43,44 and 51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dickinson (US 6,287,197 B1), Tiberio (US 5,123,649) and further in view of Nakagawa et al. (US 6,168,519 B1).

Regarding claims 7,8 and 43, *Dickinson/Tiberio does not specifically disclose each symbol in one of the interfaces has a corresponding symbol in each of the other interfaces, wherein corresponding symbols are provided in a same frequency in each of the interfaces.* However, Nakagawa discloses a gaming device wherein a player may select an interface having a plurality of different symbols, each visually different but functionally identical, for use in a game. Specifically, a player may choose a team "interface" for use in a soccer game, wherein each team has a plurality of players, i.e. symbols, that are functionally identical, i.e. all capable of the same actions during game play, but visually different, i.e. having different and distinguishing uniforms, etc. Every team contains the same number of players for use at corresponding positions (e.g. both team Japan and team Argentina will have 11 players on the field, one player at each position of defender, midfielder, forward, etc.), as shown in Fig. 3.

Essentially, allowing a player to choose an "interface" is nothing more than allowing a player to set personal preferences for game play. In both inventions, a player is allowed to choose an interface containing symbols that appeal most to them, and therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Dickinson and Nakagawa in order to provide a player with a more personalized video gaming experience.

Regarding claim 44, please see claim 42 above.

Regarding claim 49, please see claim 2 above.

Regarding claim 51, please see claim 4 above.

Response to Arguments

Applicant's arguments with respect to all claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MEAGAN THOMASSON whose telephone number is (571)272-2080. The examiner can normally be reached on M-F 830-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai can be reached on (571) 272-7147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/John M Hotaling II/
Primary Examiner, Art Unit 3714
Meagan Thomasson
July 16, 2008